

REMARKS

Claims 1-9 have been previously canceled, claims 17 and 19-20 are currently canceled, claims 10-12 are currently amended and no new claims have been added by way of this response. Thus, claims 10-16, and 18 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Amendments to the Claims:

Applicant has amended claims 10-12 to further refine the scope of Applicant's invention. Support for the amendments can be found in the specification at paragraphs [0025] to [0048] and figures 1 and 2.

Response to Rejections Under Section 112:

The examiner has rejected claims 10-20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner has identified 6 issues with claim 10 identified as items 4-9 on pages 2 and 3 of the instant Office Action. Applicants have amended claim 10 to resolve the section 112, second paragraph issues.

The examiner has rejected claims 10-20 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner contends that "the limitation recited in the last paragraph [of claim 10] that a first block of a sequence is followed by a second block in the same sequence of the same polarity does not appear to have been described in the specification as filed." Applicants submit that support in the originally filed specification for the above limitation of claim 10 can be found in paragraph [0037] and Figure 2. Figure 2 clearly identifies the first block 37 of the sequence 34 as having a polarity. The first block 37 is then followed by the second block 37 having the same polarity as the first block 37. Immediately after the first block 37 is the third block 37 having an opposite polarity as the first and second blocks 37. Therefore, claim 10 clearly is supported by the originally filed specification.

In light of Applicants amendments and remarks above, withdraw of the section 112 rejections is respectfully requested.

Response to Rejection of Claims 10, 17 and 19:

Applicants have amended claim 10 to incorporate limitations from canceled claims 17 and 19 which are rejected under section 103(a) (see below). For the purposes of Applicants response the rejection of claim 10, Applicants will also address the merits of the section 103(a) rejections for now canceled claims 17 and 19-20 which are incorporated into base claim 10.

Claim 10 stands rejected under 35 U.S.C § 102(b), as being anticipated by Nee et al (USPN 4,869,971), hereinafter ‘971. Claim 17 stands rejected under 35 U.S.C § 103(a) as being obvious over ‘971 in view of Foster et al. (GB 2 167 446A), hereinafter ‘446A and claims 19-20 stand rejected under 35 U.S.C § 103(a) as being obvious over ‘971 in view of Lashmore (USPN 4,461,680), hereinafter ‘680. Claim 20 is currently canceled rendering the section 103 rejection of claim 20 moot.

Applicants' amended claim 10 recites in part:

**applying a constant low potential between the at least two different blocks to establish a base current such that deposition is not interrupted between voltage pulses of the blocks;**  
**adapting each of the at least two blocks to a constituent of the alloy in each case to achieve an optimum duration and nature of the deposition of each of the constituents relative to its optimized block** and each block comprising two or more voltage pulses for each constituent of the alloy

Regarding the Examiners discussion of ‘971 as applied to claim 10 (see pages 4 and 5 of the instant office action) the claimed limitation of “adapting each of the at least two blocks to a constituent of the alloy in each case to achieve an optimum duration and nature of the deposition of each of the constituents relative to its optimized block” is not addressed. MPEP 2131 requires that to anticipate a claim for a section 102 rejection, “the reference must teach each and every element of the claim.” Applicants submit that ‘971 fails to teach or suggest the above limitation; therefore the section 102 rejection of claim 10 should be withdrawn.

Furthermore, the combination of the relevant prior art, ‘971, ‘446A and ‘680, fails to teach or suggest the limitations of amended claim 10 recited above. Regarding the rejection of claims 19-20 the Examiner contends that ‘680 teaches a base current, citing col. 1, lines 40-44, however Applicants believe that the Examiner intended to indicate col. 6, lines 40-44, which discusses figure 1 and the relevant duty cycle and associated current pulses. However, ‘680

teaches a base potential between pulses within a block. The '680 reference is silent as to the interpulse period between blocks, and there neither '680 nor any of the cited prior art teaches or suggests "applying a constant low potential between the at least two different blocks to establish a base current." As Applicants discuss at paragraph [0042] of the specification, application of a base current avoids the creation of inhomogeneities in the deposited layer. The cited prior art is silent as to the establishment of a constant base current or of the associated benefit. Therefore the combination of 971, '446A and '680 fails to teach or suggest the invention of amended claim 10.

In view of the above, Applicants submit that amended claim 10 is patentable and request that the Examiner withdraw the rejection to claim 10.

Response to Rejection of claims 11-16 and 18:

Claims 11 and 12 stand rejected under 35 U.S.C § 103(a) as being obvious over '971 in view of GB 1521130. Claims 13, 14 16 and 18 stand rejected under 35 U.S.C § 102(b), as being anticipated by '971. Claim 15 stands rejected under 35 U.S.C § 103(a) as being obvious over '971 in view of Taylor et al. (USPN 6,319,384).

For at least the reasons discussed in connection with the rejections associated with amended claim 10, Applicants respectfully submit that these claims are patentable at least based on their dependence from claim 10 as well as based on their own merits and respectfully request the Examiner to withdraw the Section 102 and 103 rejections.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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